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SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

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Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: February 14, 2019

Subject: February 22, 2019 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on February 22, 2019. We have also enclosed the minutes from the Committee's January 25, 2019 meeting.

/CS15

cc: All Commissioners (agenda only)



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey

February 22, 2019

9:30 a.m.

Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the January 25, 2019 CMP Policy & Implementation Committee meeting
4. Continued discussion of an amended Memorandum of Agreement between the Pinelands Commission and the South Jersey Transportation Authority related to the Atlantic City International Airport
5. Discussion of the Commission's policies and procedures related to violations of the Comprehensive Management Plan
6. Public Comment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
January 25, 2019- 9:30 a.m.**

MINUTES

MEMBERS IN ATTENDANCE: Chairman Sean Earlen, Robert Barr, Paul E. Galletta, Jordan Howell, Ed Lloyd (via telephone) and Richard Prickett

MEMBER ABSENT: Candace Ashmun

STAFF PRESENT: Nancy Wittenberg, Stacey Roth, Larry L. Liggett, Susan R. Grogan, Gina Berg, Chuck Horner, Ernest Deman, Paul Leakan and Betsy Piner.

1. Call to Order

Chairman Earlen called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:37 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the November 30, 2018 CMP Policy & Implementation Committee Meeting

Commissioner Barr moved the adoption of the November 30, 2018 meeting minutes. Commissioner Prickett seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

4. Executive Director's Reports

Stafford Township Ordinance 2018-19, amending Chapter 211 (Zoning) of the Township's Code by revising planned unit development standards in the HMC (Highway Medical Commercial) Zone

Ms. Grogan said Stafford Township Ordinance 2018-19 revises the standards applicable to planned unit developments in the Highway Medical Commercial (HMC) Zone in the Regional Growth Area (RGA). She said the Township had been discussing a development proposal with an applicant interested in siting an Assisted Living Facility in this zoning district where

permitted uses include hospitals, medical offices, hotels, etc. and planned unit developments containing offices, retail uses and multifamily dwellings. The Township adopted Ordinance 2018-19 to add assisted living facilities, age-restricted independent living and continuing care retirement communities to the list of permitted uses as part of a planned unit development in the HMC Zone. All of these residential uses will be subject to the density (maximum density of 13 units per acre) and Pinelands Development Credit (PDC) requirements (30 percent for all market-rate units) previously established by the Township for such planned unit developments.

Ms. Grogan confirmed for Commissioner Prickett that it is likely that any assisted living facilities would look like large apartment buildings and the number of PDCs required would be based solely on the number of units, not on square footage.

Commissioner Barr moved the recommendation to the Commission to certify Stafford Township Ordinance 2018-19. Commissioner Prickett seconded the motion and all voted in favor.

Winslow Township Ordinance O-2018-025, adopting the Maressa Redevelopment Plan

Ms. Grogan introduced Winslow Mayor Barry Wright, Administrator Joe Gallagher and consulting planner Ms. Malvika Apte, in the audience today.

Ms. Grogan said Winslow Township Ordinance O-2018-025 adopts a Redevelopment Plan for the Maressa Redevelopment Area in the RGA along Route 73 at the north end of the Township. She directed the Committee to Exhibit #1 showing the location of the subject property. The 105-acre vacant parcel consists of some 29 acres in what had been in the PC-2 (Commercial) Zone and an additional 76 acres in the PTC (Pinelands Town Center) Zone. The Township has not seen the development it had anticipated and has wanted to change the zoning for some time.

Ms. Grogan said the Maressa Redevelopment Area will allow for development at a density of five single family units per acre and eight townhouse units per acre. She said close to 600 residential units could be allowed, with commercial development permitted only within 600' of Route 73 and residential development to the rear. There will be no required affordable units in any of the permitted development. A PDC obligation of 25 percent for all units will apply.

Ms. Grogan directed the Committee to Exhibit #2, noting the significant wetlands in the area that will need to be delineated as part of any application. She said the Redevelopment Plan permits clustering and townhouses. She said the density, although higher than what the CMP had established for Winslow, is permitted if the municipality can demonstrate the availability of necessary infrastructure and accommodation of PDCs. She said the Commission's recently amended Memorandum of Understanding with the Township ensures the water supply needs will be met by sources outside the Kirkwood-Cohansey aquifer and staff is recommending approval of the ordinance.

In response to Commissioner Prickett's question if redevelopment plans are used to secure state funding, Ms. Grogan said, as far as the Commission is concerned, this is just a way to change zoning. She said recently the municipalities have been using redevelopment plans, rather than just rezoning, particularly if they have a developer interested in partnering in a type of project the town wants. She said whether a zoning change is done through a redevelopment plan or a rezoning, all must meet the same CMP standards.

Commissioner Galletta moved the recommendation to the Commission to certify Winslow Township Ordinance O-2018-025 adopting the Maressa Redevelopment Plan. Commissioner Howell seconded the motion and all voted in favor.

5. Pinelands Infrastructure Trust Fund

Ms. Grogan said a public hearing had been conducted on the draft amendment to the Pinelands Infrastructure Trust Fund (PITF) Master Plan on January 3, 2019. She said two individuals attended, one of whom, Mr. Mark Demitroff, expressed his ongoing concerns with potential redevelopment on sewer in Pinelands Villages (PVs). Ms. Grogan said staff had advised him at the hearing that PITF funds may be used only in the Regional Growth Area (RGA) and not in the PV.

Ms. Grogan said staff has prepared a resolution to advance a PITF Master Plan amendment to the full Commission establishing a ranking criteria and a funding structure for eligible projects. She said, upon approval of this amendment by the Commission, a Request for Proposals (RFP) will be issued to seek projects. The Commission will need to approve the projects through another amendment to the PITF Master Plan that will include another public hearing. She said Mr. Liggett, Ms. Berg and Mr. Wengrowski had met with a number of the municipalities to discuss the PITF program.

In response to Commissioner Barr's question regarding when the Commission would see the first projects, Ms. Berg said likely not until FY-2020.

Ms. Grogan added that the Commission can issue the RFP and the Commission can select the projects but the legislature must approve the appropriation of money to fund the projects.

Commissioner Galletta said he understood that the Pinelands Villages are not eligible for PITF funding. He asked for the staff's thoughts about Pinelands Towns being eligible, particularly as PDCs could be used in the Towns. He said he didn't understand why they had not been included back in 1985 as there were several Towns that needed funding.

Ms. Grogan said that no staff members here today were here in 1985 to know what happened but, since the RGA is the focus of where the most growth occurs in the Pinelands, that is where the need was greatest. Also, she said although PDCs can be used in Towns, it is rare and related

to the issuing of variances. She said staff had looked at the potential for PITF funding for Towns early in this process but recognized it would require additional legislation.

Mr. Liggett said the draft PDC enhancement rules included recognizing Pinelands Towns as a type of RGA, but those rules were never advanced.

Commissioner Galletta asked staff to consider the funding of PITF projects in Pinelands Towns in the future.

Ms. Roth said such a change would require a Bond Act through a ballot initiative.

Commissioner Howell said he agreed with Commissioner Galletta and noted that the membrane filtration system at the Buena Borough plant could be helpful to improve wastewater elsewhere.

In response to Commissioner Howell's question if there had been any consideration to changing the loan to grant ratio, Mr. Liggett said none of the municipalities expressed a concern and there was no interest in changing what staff had proposed (*50 percent loan, 40 percent grant and 10 percent local funding*). Mr. Liggett added that in the past, the structure had been 40% grant and 40 percent loan so this proposal increases the loan so more money will be returned to the program.

Commissioner Barr moved the recommendation to the Commission to adopt the January 2019 Master Plan amendment. Commissioner Galletta seconded the motion and all voted in favor.

6. Update on an amended Memorandum of Agreement between the Pinelands Commission and the South Jersey Transportation Authority related to the Atlantic City International Airport

Ms. Roth provided an update on the South Jersey Transportation Authority's (SJTA's) request to relocate the 290-acre deed-restricted grassland conservation habitat currently located at Atlantic City Airport. Ms. Roth reminded the Committee that this conservation area was an element of the offset from a 2004 Memorandum of Agreement (MOA) with SJTA to allow certain development projects at the airport while protecting habitat for two grassland bird species (grasshopper sparrow and upland sandpiper) and the frosted elfin butterfly. She said although the SJTA operates the Airport, the land is leased from the Federal Aviation Administration (FAA.) The FAA is concerned with bird strikes and the vulnerability of the Air National Guard and commercial flights that use the airport.

Ms. Roth stated that SJTA is proposing to offset the loss of the Grassland Conservation and Management Area (GCMA) by acquiring land and reestablishing it offsite, creating suitable grassland habitat and then managing and monitoring that new site or sites going forward. SJTA had identified possible sites in Atlantic County. However, it was unclear whether these sites were actually available for sale. Additionally, two of the sites were located outside of the Pinelands.

Ms. Roth noted that a deviation MOA, such as this one, must contain measures that, at a minimum, provide an equivalent or better level of protection of Pinelands resources. Ms. Roth said the MOA had established two forest preservation areas, one of which SJTA is proposing to enhance for habitat for the frosted elfin butterfly. Providing suitable habitat for the bird species is more challenging. She said she and Mr. Deman had been reviewing SJTA's proposed offset. Adding to the difficulty of finding a suitable site is that any newly designated habitat area must be, in accordance with FAA requirements, at least two miles from the runway. Given that, SJTA may need to acquire multiple sites. However, it is unknown if these birds will be attracted to these sites.

Ms. Roth said SJTA wants to cut the grasses within the GCMA at the airport as soon as possible and no longer be held to the mowing restrictions of the MOA. Mowing will eliminate the birds' habitat and they will leave. She said it is unknown what future development plans SJTA has for the airport. Consequently, any offset should contain a mechanism to address habitat impacts at the airport going forward.

Commissioner Galletta suggested the Commission be given funding to purchase land as an offset.

Ms. Wittenberg noted that undeveloped land is becoming scarce and there is no guarantee the bird population will move. She noted that one property that was under consideration was the Renault property (in Galloway and Egg Harbor townships). However, given that this property was recently sold and was a going commercial concern, it was unlikely that it would be available.

In response to Commissioner Howell's question if lands outside the Pinelands could be considered, perhaps owned by a non-profit entity, Ms. Roth said although the Commission is a consulting party to the New Jersey Department of Environmental Protection (NJDEP), she would be concerned with an offset in the Pinelands National Reserve (PNR) as the CMP applies only to the State-designated area and NJDEP is not obligated to abide by the Commission's rules.

Ms. Grogan said the offset needs to provide the equivalent level of protection of the resources of the Pinelands, which is defined as both the Pinelands Area and the larger PNR.

Ms. Roth said that there were four options available for the offset: 1) SJTA's acquisition of land, upon which suitable grassland could be created, managed and monitored; 2) a monetary donation to the Commission to either purchase suitable lands and create grassland habitat; 3) a straight payment to the Pinelands Conservation Fund (PCF) for acquisition of land within the Pinelands generally or 4) a hybrid approach with the creation of some habitat and a payment to the PCF for land preservation. She asked for guidance from the Committee as to how it wished to proceed. She added that in addition to acquisition of the land itself, there was also the question of how much land needed to be acquired. For example, she asked whether the amount of land

should be increased because of the risk that the new habitat will not be used by the species of concerns, i.e. using a multiplier to offset the risk.

She said land is scarce and the mowing needs to start now yet there is no offset. She added that with the shutdown of the Federal government, she has no way to discuss the matter with her contacts at the FAA.

Commissioner Prickett said he liked the idea of a multiplier and a hybrid approach with a monetary contribution to the PCF for acquisition and for augmenting habitat. He said a species has an infinite value.

Ms. Wittenberg said the airport wants to add more development now and has more planned in the future.

Ms. Roth noted that Mr. Liggett had developed a multiplier for the lands to offset the Exit 44 project on the Garden State Parkway, with lands closer to the project valued higher than those further away.

In response to Commissioner Barr's question if it was known how soon the FAA would require the habitat be abandoned, Ms. Roth said SJTA is concerned that at some point the FAA will withdraw the airport's license.

Commissioner Howell said there are lots of multipliers for this project and it is akin to building a diversified portfolio, e.g. how many species are affected? What happens if the habitat is gone? If there is future construction on this site, how does one plan for future habitat protection?

Ms. Roth said in its simplest form, one must find 290 acres of mostly vacant land, remove the forest, plant grasslands and maintain a mowing schedule compatible with the bird species. She said the issue is complicated as there are now new species present that had not been identified at the airport previously.

Commissioner Barr said that human lives are at risk.

Commissioner Prickett noted that he was impressed with the discussion today as it shows the sensitivity to the issue. He said he believed it was important for the Commission to become involved with habitat enhancement.

Commissioner Galletta concurred and noted the need for public safety. He said he liked the idea of a monetary contribution to the PCF and Chairman Earlen concurred.

Ms. Wittenberg said the Commission has control over this situation as it issues the permits that will be required for the airport projects.

Ms. Roth said she would develop a draft schedule to bring to the Committee but needed to wait for the Federal government to open to see what was required regarding a National Environmental Policy Act (NEPA) review.

7. Other Items of Interest

Ms. Wittenberg said some time ago she had brought to the Committee the issue related to an existing mine in Woodland Township and dealing with endangered species surveys.

Mr. Deman provided a slide presentation (*Attachment A to these minutes*) and said the mine property comprises some 1,400 acres in the Preservation Area District. He said the applicant had surveyed some 40-acres with the intent of expanding the current mining activity and then pursuing additional expansion in the future. Staff has advised the operator that they could mine the 40 acres but would be required to deed restrict the remainder of the property so that there would not be piecemeal future expansion. He said the applicant has been debating the deed restriction with Ms. Roth in consultation with NJDEP.

Ms. Wittenberg said that staff assumes the bulk of the property is habitat; this is a mine surrounded by State lands, including Greenwood Forest Wildlife Management Area and Brendan T. Byrne State Forest. She said, as a private application, it will not come before the Commission but, she wanted the Committee to be aware that this has been a significant negotiation and staff wants to preserve the lands in perpetuity.

Mr. Deman said roughly two thirds of the parcel would be deed restricted for conservation while the remainder could be used for mining, the existing plant, associated storage, an office building, etc.

In response to Commissioner Galletta's question as to why the applicant had not surveyed the entire parcel, Ms. Wittenberg said such surveys are expensive and the applicant knew that snakes would be found.

(Mr. Ambrose left the meeting at 11 a.m.)

Ms. Wittenberg said staff has concerns about the accuracy of snake surveys generally and that Mr. Bunnell will be doing field research on snake surveys to see how they can be improved.

8. Public Comment

Ms. Rhyan Grech, with the Pinelands Preservation Alliance (PPA), said that she had worked previously with the Audubon Society and that bird strikes at airports are typically caused by Canada Geese and raptors. She said mowed grasses are a recipe to attract Canada geese as they thrive in such developed areas. She said of course human safety is a major concern but the grassland species are not causing planes to crash.

Mr. Fred Akers, with the Great Egg Harbor Watershed Association, said he serves on the Board of the Atlantic County Utilities Authority (ACUA). He said the ACUA landfill is located where there is a concern with birds and the airport. He said by applying garbage to the landfill at night and covering it before dawn, they've been able to deter birds. Also, Mr. Akers said he wanted the Committee to consider the value of preserved land. He distributed a handout (*Attachment to these minutes*) on which he highlighted some of the comments submitted by Professor Jonathan Peters (*Attachment D to P&I Committee meeting minutes, November 30, 2018*) and noted his disagreement with Peters' concern that preserving 50 percent of the Pinelands was enough. He said preserved farms have economic value and non-farmed preserved lands have value for ecotourism, ecological services, and perhaps increasing the value of adjacent private property. He said the public needs to be aware of the value of preserved lands.

Mr. Liggett responded that staff had received similar comments during its evaluation of the Long Term Economic Monitoring Program and there is a state-wide initiative to determine such value.

Referencing the discussion of the Atlantic City airport and replacing lands meant for preservation, Commissioner Prickett said he did not feel it was a comfortable position to be in knowing one was determining the future of two species.

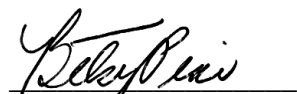
In response to Commissioner Prickett's request for an update on the upcoming 30th Annual Pinelands Short Course, Mr. Leakan provided a brief history of this popular event, adding that it had been a story in today's edition of the *Burlington County Times*. He noted what a great partner Stockton University was in presenting this successful program.

Commissioner Howell noted that ecosystem services globally contribute \$20 trillion annually, more than the largest economy in the world. He asked how much value could put on preserved land and preserved species.

Chairman Earlen concluded the meeting by stating that some of the Commission's best work is land preservation.

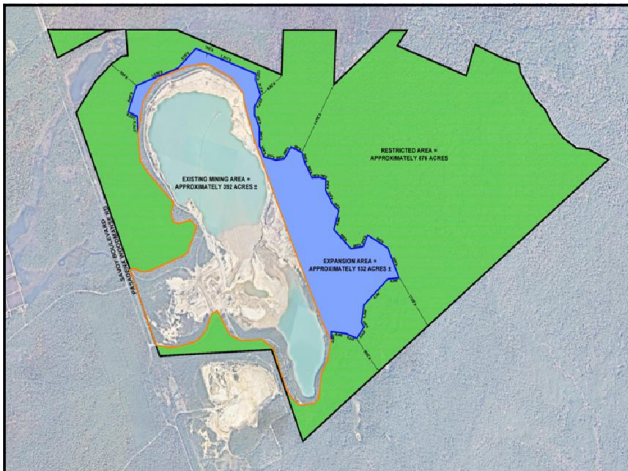
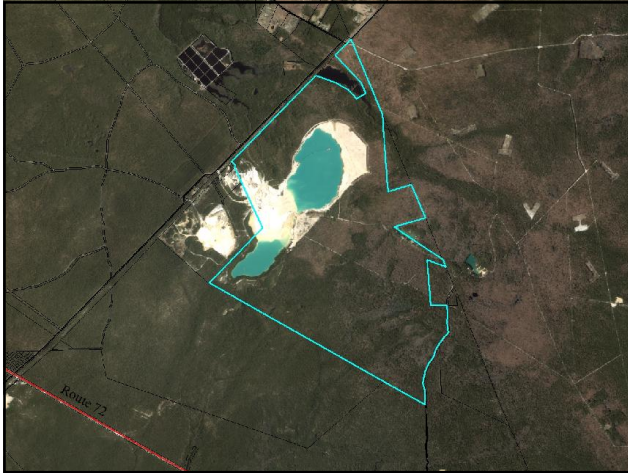
There being no other items of interest, Commissioner Barr moved the adjournment of the meeting and Commissioner Howell seconded the motion. The meeting was adjourned at 11:15 a.m.

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: February 13, 2019



**Clayton Mine
Woodland Township**

- The parcel is approximately 1,400 acres in size.
- Currently authorized to mine 255 acres. In addition, 137 acres are utilized for the existing plant, office building, scale, and for storage.
- Proposed mining activities would occur on an additional 132 acres.
- Approximately 876 acres of the parcel would be deed restricted for conservation and preservation.

SUBMITTED BY FRED AKERS
DURING PUBLIC COMMENT
CMP P&I COMMITTEE MEETING
JANUARY 25, 2019

CMP P&I Committee meeting
November 30, 2018
Submitted during Public Comment
Attachment D

The Pinelands at 50% - An opportunity to discuss alternative futures

Jonathan Peters, Ph.D. - Professor of Economics & Earth and Environmental Science

The City University of New York Graduate School

November 4, 2018

A Policy Perspectives White Paper:

The Pinelands Commission at their October 2018 monthly meeting announced that the 50% of the lands captured within the Pinelands Commission jurisdiction were now under public ownership, conservation easements, **farmland protection** or were owned by public trusts. This watershed event creates an opportunity for reflection on the purpose of the Pinelands Commission and the value of public and conserved lands in the State of New Jersey and the Nation. Public and conserved lands have a long history in the United States with varying degrees of use and development allowed within their borders. This variation reflects the diverse public and regional beliefs regarding public lands. At the extremes, the staunch preservations argue for extensive wilderness areas with limited trails and public access while ranching and mining interests have long argued for allowing extractive and extensive private use of public lands via mining claims and grazing permits.

The Pinelands Region sits in a unique area of the United States, with large population centers both North (New York City and Suburbs) and West (Philadelphia and Suburbs) and represents an opportunity for public access to natural areas to the roughly 10% of the Nation's population that lives within a two-hour drive of the Pinelands. This proximity to significant population centers also creates potential pressures for development. One important area to consider is how the regional planners should be guided as to use and access over the next 50 years. The 50% threshold event offers us an opportunity to consider the alternatives. **Should the Pinelands Commission continue to push to expand the conservation percentage or should the further focus of Pinelands policy be directed towards balanced growth and economic activity enhancement.**

Getting to the 50% was a clear and serious goal for the Pinelands Commission and conservation advocates - and while not a direct policy goal - the reality of a round number creates a natural time for reflection or pause - just like a milestone birthday. The Pinelands district was set aside and the Pinelands Commission created in 1974 and they created the Comprehensive Management Plan (CMP) which was adopted in 1978. At that time, the potential for large scale commercial development loomed large over the Pinelands. A proposed super Jetport had been planned for the Wharton Tract and other projects of scale were pressing in on the largest open spaces on the Eastern Seaboard. With the adoption of the CMP and subsequent land use and policy programs, the Pinelands today hosts a broad range of recreational and commercial activities. Yet all is not well in the Pinelands, with an aging population, **financially frail farms**, limited job opportunities and generally low local wages. **Thus, as we move forward past 50%, can we consider alternative paths that might create more economic vitality while still preserving the natural and cultural resources of the region? Further, can we propose and implement a series of adjustments to our preservation policies that will allow for economic and social stability of the region. Does a Pinelands region with 60% public or conserved lands represent a logical goal or does the focus of public policy need to shift to a balanced growth/preservation model?**

Protected Lands by Management Area June 2018

Management Area	Total Acres	% Protected
PAD	295,000	81%
SAPA	37,500	60%
FA	257,000	56%
APA	68,500	41%
RDA	109,500	20%
RGA	76,500	8%
Village	26,000	4%
Town	21,500	6%
Military/Federal	47,000	0%
Pinelands Area Total	938,000	50%

Protected Lands by Management Area June 2018

Management Area	Total Acres	% Protected	Acres Protected	Acres Unprotected
PAD	295,000	81%	238,950	56,050
SAPA	37,500	60%	22,500	15,000
FA	257,000	56%	143,920	113,080
APA	68,500	41%	28,085	40,415
RDA	109,500	20%	21,900	87,600
RGA	76,500	8%	6,120	70,380
Village	26,000	4%	1,040	24,960
Town	21,500	6%	1,290	20,210
Military/Federal	47,000	0%	0	47,000
			0	0
Pinelands Total Area	938,500	50%	469,250	469,250
<p>What is economic value of Protected Farmland, and added value if all Protected?</p> <p>What is economic value of Protected Other Lands, and added value if all Protected?</p>				